

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA . CRIMINAL ACTION NO.  
 . 4:16-CR-118-A-6  
V. .  
 . Fort Worth, Texas  
AMANDA NICOLE RISOVI . October 12, 2016  
 . . . . .

TRANSCRIPT OF PROCEEDINGS  
(Sentencing Hearing)  
BEFORE THE HONORABLE JOHN MCBRYDE  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: MR. SHAWN SMITH  
United States Attorney's Office  
801 Cherry Street, Suite 1700  
Fort Worth, Texas 76102-6897  
(817) 252-5200

For the Defendant: MR. STEVEN T. JUMES  
Varghese Summersett  
300 Throckmorton, Suite 1650  
Fort Worth, Texas 76102  
(817) 203-2220

Court Reporter: MS. ANA P. WARREN  
U.S. District Court Reporter  
501 W. 10th Street, Room 502  
Fort Worth, Texas 76102-3637  
(817) 850-6681

Proceedings recorded by mechanical stenography; transcript  
produced by computer-aided transcription.

**P R O C E E D I N G S**

(Commencing, 12:10 p.m.)

THE COURT: I'm now calling for sentencing Number 4:16-CR-118-A. It's United States of America versus Amanda Nicole Risovi.

Is that the way you pronounce that?

MR. JUMES: It's Risovi, Your Honor.

THE COURT: Risovi.

Okay. And Mr. Smith is here for the government, and Mr. Jumes is here for the defendant.

Mr. Risovi, state your full name for the record.

DEFENDANT RISOVI: Amanda Nicole Risovi.

THE COURT: Okay. You appeared before me on May 26, 2016, when you entered a plea of guilty to the offense charged by Count 2 of an information filed in this case on May 18, 2016 and the offense to which you pleaded guilty, conspiracy to possess with intent to distribute a controlled substance, and we're here today for sentencing based on the conviction resulting from that plea of guilty.

Mr. Jumes, did you and your client receive in a timely manner the presentence report?

MR. JUMES: We have, Your Honor.

THE COURT: Let's see. There was not an addendum, was there? I don't see one.

MR. SMITH: There was one, Your Honor. I just noted

1 that the government filed a motion for downward departure.

2 THE COURT: Yes. There was an addendum.

3 Did the two of you receive the addendum in a timely  
4 manner?

5 MR. JUMES: We did, Your Honor. It had no impact  
6 upon the guidelines. We have no objection to either the PSR  
7 or the addendum.

8 THE COURT: Did both of you read those items and then  
9 discuss them with each other?

10 MR. JUMES: Yes, Your Honor.

11 THE COURT: Okay. There being no objections to the  
12 presentence report, the Court adopts as the fact findings of  
13 the Court the facts set forth in the presentence report as  
14 modified or supplemented by the addendum, and the Court adopts  
15 as the conclusions the conclusions expressed in the  
16 presentence report as modified or supplemented by the  
17 addendum.

18 The Court concludes that the Total Offense Level is 39.  
19 That the Criminal History Category is 4. That the calculated  
20 guideline imprisonment range -- well, it would be 360 months  
21 to life if the defendant had been charged with her true  
22 offense conduct, but because of what she was charged with, it  
23 was capped at 240 months. So that becomes the guideline  
24 sentencing range, 240 months. The supervised release range is  
25 three years. The fine range is \$25,000 to \$1 million, and a

1 special assessment of \$100 is mandatory.

2 Okay. The government has filed a motion for downward  
3 departure under 5K1.1.

4 Does the government have any evidence it wishes to offer  
5 in support of that?

6 MR. SMITH: Yes, Your Honor.

7 THE COURT: Okay.

8 MR. SMITH: The government calls Agent Finney.

9 BRIAN FINNEY, testified under oath as follows:

10 **DIRECT EXAMINATION**

11 BY MR. SMITH:

12 Q. Would you please state your name?

13 A. My name is Brian Finney.

14 Q. And your current occupation?

15 A. I'm a special agent with the Drug Enforcement  
16 Administration currently assigned to the Fort Worth, Texas  
17 office.

18 Q. And are you familiar with the case against Ms. Risovi?

19 A. Yes, I am.

20 Q. Would you please tell the Court how she's provided  
21 substantial assistance to the government?

22 A. Yes. Prior to being taken into custody on this  
23 investigation, in October of 2015, Mrs. Risovi came to the DEA  
24 office and, for several hours, answered questions pertaining  
25 to both her knowledge of and her participation in a drug

1 conspiracy.

2 Following her arrest on multiple occasions, she has sat  
3 down with investigators and, in a very detailed process, has,  
4 again, talked about the knowledge that she obtained while  
5 working with multiple people in this drug conspiracy as well  
6 as her own participation in the drug conspiracy.

7 Q. And how many people has her information led to the  
8 prosecution of?

9 A. Her information has assisted in the prosecution of ten  
10 people. Those people would be Tonya Blackwood. She was one  
11 of the main -- Mrs. Risovi was one of the main witnesses  
12 against Mrs. Blackwood. Jackie Waters, again, Mrs. Risovi was  
13 one of the main witnesses utilized in charging and convicting  
14 Jackie Waters.

15 Nathan Cooper, Mrs. Risovi, again, was one of the main  
16 witnesses utilized in charging and convicting Nathan Cooper.  
17 Michael Barrett, also known as Motorcycle Mike. Mrs. Risovi  
18 was one of the main witnesses utilized in charging and  
19 convicting Mr. Barrett.

20 Albert Cinceros, Billy Leveritt, Billy Skaggs, Michael  
21 Young, Charles Deeds and Jessica Judge. Those are the ten  
22 defendants that we utilized her information against.

23 Q. And most of those, or maybe more like half of those have  
24 already been sentenced, is that right, more or less?

25 A. Yes, sir. The majority of them have been sentenced either

1 in this Court or in front of Judge O'Connor.

2 Q. And what about future targets?

3 A. We have, again, accumulated a list of future targets in  
4 which we anticipate using her information against 20 future  
5 targets.

6 MR. SMITH: No further questions, Your Honor.

7 THE COURT: Do you have any questions you want to  
8 ask?

9 MR. JUMES: Just a couple briefly, Your Honor.

10 **CROSS EXAMINATION**

11 BY MR. JUMES:

12 Q. Agent Finney, would it be fair to say that, particularly,  
13 Co-Defendants Blackwood and Waters are higher up in this  
14 conspiracy?

15 A. Yes, specifically, Blackwood. Waters worked for  
16 Blackwood, but, yes, as well as Michael Barrett. He was also  
17 distributing a large amount of methamphetamine in the Fort  
18 Worth area, and her information was utilized in the charging  
19 and prosecution of those individuals.

20 Q. And with respect to her first interview, that was a  
21 non-custodial interview with DEA?

22 A. Yes. She was brought to our office by a Fort Worth police  
23 officer, or she accompanied a Fort Worth police officer up  
24 there, and it was non-custodial. She was not charged at that  
25 time.

1 Q. Have you ever sensed that she was deceptive in her  
2 dealings with the DEA?

3 A. No.

4 MR. JUMES: Thank you for that, and that's all that I  
5 have, Your Honor.

6 THE COURT: Okay. You can step down.

7 THE WITNESS: Thank you.

8 THE COURT: Okay. You all can come back to the  
9 microphone.

10 Okay. You can make whatever statement you would like to  
11 make on behalf of your client at this time.

12 I noticed you filed, on behalf of your client, a motion  
13 for downward variance. Do you have any evidence you want to  
14 offer on that beyond what we've just heard?

15 MR. JUMES: No evidence. Just a few comments, Your  
16 Honor.

17 THE COURT: Okay. Why don't you at this time make  
18 whatever statement you'd like to make on behalf of your  
19 client.

20 MR. JUMES: Yes, Your Honor.

21 Obviously, I've represented Ms. Risovi for some time now,  
22 at least since April. Even before that, some six months  
23 before that, she was already cooperating with the DEA. What  
24 is refreshing about Ms. Risovi is that despite massive  
25 challenges in her background, she has repeatedly told me that

1 she made her own bed. She is lying in it. Nobody has put a  
2 gun to her head, and she realizes she is here with good  
3 reason. Not only has she accepted responsibility and been a  
4 substantial cooperator, she is refreshingly grounded and  
5 honest about her situation.

6 Having said that, she, like many other defendants you  
7 heard about today, has suffered from a massive methamphetamine  
8 addiction that at least began at the age of 21. She had  
9 substantial challenges in her upbringing, part of which she  
10 took on a parental role at the age of 13 for her younger  
11 sister because of her parents' own addictions and behavior,  
12 and she also was the victim of significant abuse.

13 But having said all of that, she knows that she is here  
14 because of her conduct. And, Your Honor, we do not take  
15 glibly or lightly the fact that her statutory boundary already  
16 represents a significant discount from her guideline range.

17 We would ask the Court to consider, however, her longest  
18 prison sentence before now has been four years, and we would  
19 humbly ask the Court to consider quadrupling that sentence for  
20 a 16 year sentence. In those prior sentences, she only served  
21 one year of the four year sentence, and we believe that any  
22 progressive regime sanction under even a 16 year sentence,  
23 recognizing she's gotten a huge discount, still would  
24 accomplish the factors in 3553(a).

25 Thank you, Judge.

1           THE COURT: Okay. Ms. Risovi, you can make whatever  
2 statement or presentation you would like to make on the  
3 subject of mitigation, that is, the things you think the Court  
4 should take into account in determining what sentence to  
5 impose or on the subject of sentencing more generally.

6           DEFENDANT RISOVI: Thank you, Your Honor.

7           I had prepared here in my folder eight more examples of  
8 defining moments and characteristics from my childhood that  
9 were left out of the PSI and the downward variance. They're  
10 very well thought out, and even a few of them had more of a  
11 negative impact than what you have there in front of you, but  
12 that's exactly the problem and why you won't hear any of them.  
13 Beyond the fact that words can't accurately paint the picture  
14 necessary, the bigger reason is that today isn't about my  
15 childhood and it's not about my parents, things that no child  
16 should ever have to encounter. It's about me as an adult and  
17 the consequences of my thoughts and actions.

18          I still have something prepared to say, and I feel it's  
19 much more appropriate to this situation. At some point, I  
20 made a conscious decision that I would destroy me better than  
21 anyone else ever could, and I've done a really good job of  
22 that. I've done more damage than anyone else. It's nothing  
23 to boast about. Still my self-harm and self-destructive  
24 behaviors were my business until they affected others. Meth  
25 is a method of destruction above most others because, if

1 allowed, it quickly takes over and dictates the path for  
2 itself.

3 I cooperated. Regrettably, I lacked clarity of thought to  
4 realize that while I was busy avoiding my own personal issues,  
5 I was also contributing to the issues of others. My  
6 tendencies are a challenge that I'm just beginning to address.  
7 However, I would never disregard another's well-being as I do  
8 mine. I do everything I can to help out anyone I encounter  
9 even to the extent of my own detriment. Had I had the ability  
10 to see the picture beyond myself, I'm confident that my  
11 actions would have been different. As it was, I didn't see  
12 drugs as a negative in my life. So how could I view them as a  
13 negative in anyone else's. I had found something that worked  
14 for me mentally and emotionally, and, therefore, I didn't want  
15 to see that I was contributing to the chaos around me.

16 Addicts are generally negative and troublesome individuals  
17 and drain society as a whole. They steal from each other and  
18 responsible citizens alike. Because parents are away from the  
19 home or under the influence, children are left alone and  
20 neglected. Money that should be used in families pays for  
21 drugs, and I can imagine that I am directly causing CPS  
22 investigations due to parents being on meth or in jail.

23 My main victim, though, unlike the PSI stated -- it stated  
24 I didn't have any victims other than society as a whole. My  
25 main victim was my son. He missed out on several years that I

1 should have spent with him, and he's heard countless broken  
2 promises. He's 15 now, and he loves me to death. It's not  
3 fair that he should because I haven't done him justice as his  
4 mother.

5 None of that speaks anything that I'm proud of, and,  
6 actually, at the risk of sounding dramatic, it's tragic,  
7 because I'm really better than that. I'm stronger than that,  
8 and I'm certainly more intelligent than that. At 35 now --  
9 this is embarrassing that at 35, I'm going to federal prison,  
10 and other than that, my son and that is my greatest  
11 accomplishment in life. I would give anything for a second  
12 chance at life, but that's not reality, and maybe I was dealt  
13 a bad hand of cards when I was young and I can analyze the  
14 who's, the how's, the why's to death, or I can decide how I  
15 want to live from here on out. I can't change my history. So  
16 as I see it, the only option is a turn-around. This is no  
17 legacy for me to leave behind my son and no example.

18 There's a quote from a great philosopher that I like, and  
19 it says: "Adversity is like a strong wind. I don't mean just  
20 that it just holds us back from places that we might otherwise  
21 go. It also tears away from us all the things that cannot be  
22 torn so that afterwards we see ourselves as we really are, not  
23 merely as we may like to be."

24 I would appreciate the opportunity to participate in the  
25 drug program. I don't have any intention to sit back and wait

1 out my time leaving the BOP in the same condition as I entered  
2 it.

3 I would also like to continue to finish my degrees in  
4 psychology and social work so I can hopefully counsel without  
5 felony or certification issues. I have things in my favor, a  
6 plan, family behind me, and someone willing to help. So all  
7 hope isn't lost. Maybe I always think the worst of myself.  
8 It's in my make-up no matter what. Naturally, I'm anxious  
9 about making this change in my life, because I'm potentially  
10 exposing myself to a whole world of emotional pain, which,  
11 incidentally, is exactly what I've been trying to avoid.

12 Of course, there are obstacles. However, I'm more  
13 concerned with the future, where I envision myself, and where  
14 I want to be. Your Honor, I'm not a lost cause. I never was.  
15 I just lost my way.

16 Thank you, Your Honor.

17 THE COURT: Okay. I think the defendant and her  
18 attorney recognize the problem, that the government's already  
19 given her a ten year benefit for her cooperation by the way  
20 they charged her. So she's already had a downward departure  
21 of ten years in that sense.

22 What is your thought as to how the Court should take that  
23 into account?

24 MR. JUMES: Your Honor, we certainly understand that  
25 the idea of starting this whole process at 240 months because

1 that's the statutory boundary is absurd and salacious. We do  
2 think that with the substantial cooperation and with the level  
3 of contrition that a sentence beneath 20 can still satisfy  
4 3553. How far that should be is, obviously, in your hands,  
5 and I don't know how to more directly answer it than that,  
6 Your Honor.

7 THE COURT: Well, that's been happening too often in  
8 these cases where the government gives a benefit by the way  
9 they charge and then file a motion for downward departure, and  
10 that creates some difficulties.

11 She doesn't have a bad criminal history, which -- she has  
12 a criminal history, but it's not as bad as many that have been  
13 involved in these drug conspiracies. I can tell from the  
14 description of some of the offenses, she wasn't actually  
15 convicted of them, that she committed those offenses. So she  
16 has maybe more of a criminal history than her -- criminal  
17 history category she gives.

18 I'm going to give her a reduction of below the bottom of  
19 what is a somewhat fictional advisory guideline range of 240  
20 months. I'm going to reduce that down to 220 months, which  
21 when you look at the reduction below what should have been the  
22 bottom of her guideline range, 360 months, is quite a  
23 reduction.

24 I'm going to combine that with a term of supervised  
25 release of three years, and that will start once she's

1 completed her sentence of imprisonment in this case and  
2 payment of a special assessment of \$100. I think a sentence  
3 of the kind I've described appropriately and properly takes  
4 into account the cooperation the defendant's provided to the  
5 government and all the factors the Court should consider in  
6 sentencing under 18, United States Code, Section 3553(a).

7 So the Court's ordering and adjudging that the defendant  
8 be committed to the custody of the Bureau of Prisons to serve  
9 a term of imprisonment of 220 months. I'm also ordering that  
10 the defendant serve a term of supervised release of three  
11 years to commence when she's completed her sentence of  
12 imprisonment and that the conditions of that supervised  
13 release will be the standard conditions that will be set forth  
14 in the judgment of conviction and sentence and the following  
15 additional conditions:

16 She shall not commit another federal, state, or local  
17 crime. She shall not possess illegal controlled substances.  
18 She shall cooperate in the collection of DNA as directed by  
19 the probation officer. She shall refrain from any unlawful  
20 use of a controlled substance and shall submit to one drug  
21 test within 15 days of release from imprisonment and at least  
22 two periodic drug tests thereafter as directed by the  
23 probation officer pursuant to the mandatory drug testing  
24 provision of the 1994 Crime Bill.

25 She shall participate in mental health treatment services

1 as directed by the probation officer until successfully  
2 discharged, and those services may include prescribed  
3 medications by a licensed physician. She shall contribute to  
4 the costs of those services at the rate of at least \$15 a  
5 month.

6 She shall participate in a program approved by the  
7 probation officer for the treatment of narcotic or drug or  
8 alcohol dependency that will include testing for the detection  
9 of substance use, and she shall abstain from the use of  
10 alcohol and all other intoxicants during and after completion  
11 of that treatment and shall contribute to the costs of those  
12 services at the rate of at least \$25 a month.

13 I'm also ordering that she pay a special assessment of  
14 \$100. That's payable immediately to the United States of  
15 America through the office of the Clerk of the Court here in  
16 Fort Worth.

17 Ms. Risovi, you have the right to appeal from the sentence  
18 I've imposed if you're dissatisfied with it. That appeal  
19 would be to the United States Court of Appeals for the Fifth  
20 Circuit. You have the right to appeal in forma pauperis.  
21 That means without any cost to you if you were to qualify for  
22 it. You have the right to have the Clerk of the Court file a  
23 notice of appeal for you, and the Clerk would do that  
24 forthwith if you were to specifically request it.

25 You and your attorney have been given a form that outlines

1 certain rights and obligations in reference to an appeal. If  
2 you haven't already done so, I want the two of you to review  
3 it and be sure you understand it, and once both of you are  
4 satisfied you understand it, I want both of you to sign it and  
5 return it to the Court coordinator.

6 Has that been done?

7 MR. JUMES: It has, Your Honor.

8 THE COURT: Okay. The defendant is remanded to  
9 custody, and the attorneys are excused.

10 MR. JUMES: Your Honor, for the record, I know my  
11 client requested it. We wanted to formally request a  
12 recommendation for the RDAP program or some sort of treatment,  
13 and if you made that a part of the order --

14 THE COURT: Well, I think I will recommend that in  
15 her case. I recommend that she be permitted to participate in  
16 what they call a long term -- use to call it a long term drug  
17 treatment program. I think it's now called what you called  
18 it.

19 MR. JUMES: Thank you very much, Your Honor.

20 THE COURT: Okay.

21 (End of proceedings, 12:30 p.m.)

22  
23 -oOo-  
24  
25

I N D E X

Witnesses:	Direct	Cross	Redirect	Recross
Brian Finney	4	6		

-oOo-

CERTIFICATE

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter, and that the transcript was prepared by me and under my supervision.

s/ Ana P. Warren  
Ana P. Warren, CSR #2302  
U.S. District Court Reporter

November 27, 2017  
Date